

**STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
California's Land Reuse and Revitalization Act (CLRRA)
APPLICATION**

1. Legal Name of Applicant: Name: Mailing Address: Phone Number: Fax: Email:		2. Current Property Owner Information: Name: Mailing Address: Phone Number: Fax: Email:	
3. Are you applying as a/an: _____ Bona fide purchaser* _____ Contiguous property owner* _____ Innocent Landowner*		4. Date you acquired the property: (Provide a copy of the legal transaction as an attachment including assessor's parcel map)	
5. Address and location of property:		6. APN Number(s) for parcel(s):	
7. Is the property located outside an infill area* in an urban area*? Yes _____ No _____			
8. Is the property solely impacted by petroleum from an underground storage tank and eligible for reimbursement from the Underground Storage Tank Cleanup Fund*? Yes _____ No _____			
If you answered YES to either question 7 or 8, the property is likely ineligible to participate under CLRRRA and there is no need to submit an application.			
9. a. Site Description: Provide a brief description of the property including a summary of the following information (if known): past and current use(s); environmental contamination and cause(s) including a summary and dates of any investigations or response actions; regulatory involvement including specific history or current status with DTSC, a RWQCB or a local agency and types of regulatory enforcement actions, orders or agreements; whether the property is listed on a database* . (Please attach additional pages as necessary).			
b. Current zoning and planned use of the property:			
c. Date of when the All Appropriate Inquiries* was conducted.			
(Attach copy of the Phase I Environmental Assessment as part of the "All Appropriate Inquiries" required under CLRRRA; for nongovernmental or noncommercial owners of residential property up to 4 units, attach site inspection report and title search.)			
*See attached definitions			

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Applicant's Disclosure Statement:

In submitting this application, I verify that, to the best of my knowledge, I can meet the requirements for a Bona Fide Purchaser*, Contiguous Property Owner* or Innocent Landowner* set forth in HSC Division 20, Chapter 6.82 (commencing with section 25395.60) and, upon request by the oversight agency, will submit documentation that I meet each of the following conditions in accordance with Health and Safety Code section 25395.80:

On or before the date of property acquisition, I made "All Appropriate Inquiries" into the previous ownership and uses of the site; and*

I am not potentially liable or affiliated with any other person who is potentially liable through any direct or indirect familial relationship, or through any contractual, corporate, or financial relationship unless that relationship was created by the instrument by which title or possession to the site was conveyed or financed or was a contract for the sale of goods or services, or through the result of a reorganization of a business entity that was potentially liable for the release or threatened release of hazardous materials at the site.

The undersigned represents and certifies to the best of his/her knowledge and belief that the information contained in this application, including any additional attachments, is true and complete and accurately describes the Applicant, the Property and related conditions. Applicant agrees to promptly inform the agency of any changes that occur in the information contained in this application.

Signature of Applicant. _____

Date: _____

**Name and Address
of Applicant** _____

*See attached definitions

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ADDENDUM

The Addendum provides definitions of terms used in the CLRRRA Application Form. Many of these definitions are from Article 2 "Definitions," and Article 6, "Streamlined Site Investigation and Response Plan Agreements," Chapter 6.82, Division 20 of the Health and Safety Code (commencing with section 25395.60).

"Bona fide Purchaser"

(a) A person, or a tenant of a person, who acquires ownership of a site on or after January 1, 2005, and who establishes all of the following by a preponderance of the evidence:

(1) All releases of the hazardous materials at issue at the site occurred before the person acquired the site, except as described in paragraph (2).

(2) All of the conditions of Section 25395.80 to qualify as a bona fide purchaser have been met.

(3) The person is not potentially liable, or affiliated with any other person who is potentially liable, for the release or threatened release at the site through any of the following circumstances:

(A) Any direct or indirect familial relationship.

(B) Any contractual, corporate, or financial relationship, unless the contractual, corporate, or financial relationship is created by the instrument by which title or possession to the site is conveyed or financed or a contract for the sale of goods or services.

(C) The result of a reorganization of a business entity that was potentially liable for the release or threatened release of hazardous materials at the site.

(b) For purposes of this section, "release" does not include passive migration.

"Contiguous Property Owner"

(a) A person who owns a site that is adjacent to or otherwise similarly situated with respect to another site that is, or may be, contaminated by a release or threatened release of a hazardous material and that is not owned by that person, and who demonstrates, by a preponderance of the evidence, all of the following:

(1) The person did not cause, contribute, or consent to the release or threatened release.

(2) At the time the person acquired the property, the person made all appropriate inquiries and did not know and had no reason to know of the release or threatened release at the site.

(3) All of the conditions of Section 25395.80 to qualify as a contiguous property owner have been met.

(4) The person is not potentially liable, or affiliated with any other person who is potentially liable, for the release at issue through any of the following circumstances:

(A) Any direct or indirect familial relationship.

(B) Any contractual, corporate, or financial relationship, unless the contractual, corporate, or financial relationship is created by the instruments by which title or

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possession to the site is conveyed or financed or a contract for the sale of goods or services.

(C) The result of a reorganization of a business entity that was potentially liable for the hazardous materials.

(b) For purposes of this section, "release" does not include passive migration.

"Databases"

Databases may include: U.S. Environmental Protection Agency's *CERCLIS* or *RCRIS*; Department of Toxic Substances Control's - Hazardous Water Management Program *RCRA database*, *Site Mitigation and Brownfields Reuse CalSites database* (www.dtsc.ca.gov/database/Calsites/Index.cfm); and/or on State Water Resources Control Board's *Geotracker database* as a Leaking Underground Fuel Tank (LUFT) or a Spills Leaks Investigation and Cleanups (SLIC) Program site (www.swrcb.ca.gov).

"Innocent Landowner"

(a) A person who owns a site, did not cause or contribute to a release or threatened release at the site, meets the conditions to qualify as an "innocent landowner" specified in Section 25395.80, and is any one of the following:

(1) A person who, at the time the person acquired the property, made all appropriate inquiries and did not know and had no reason to know of the release or threatened release at the site.

(2) A government entity that acquired property by escheat, or through any another involuntary transfer acquisition, or through the exercise of eminent domain authority by purchase or condemnation, or by means of a lien arising from delinquent taxes, assessments, or charges.

(3) A person who acquired the property by inheritance or bequest.

(4) A person who qualifies for the defense from liability under Section 107(b) of the federal act (42 U.S.C. Sec. 9607(b)).

(b) For purposes of this section, "release" does not include passive migration.

"All Appropriate Inquiries"

(a) Includes the following meanings: (a) Except as provided in subdivision (c), until the date when the standards and practices established by the Administrator of the United States Environmental Protection Agency pursuant to Section 101(35)(B)(ii) of the federal act (42 U.S.C. Sec. 9601(35)(B)(ii)) are adopted and take effect, "all appropriate inquiries" means:

(1) For property acquired on or before December 1, 2000, compliance with American Society for Testing and Materials Standard E1 527-97 entitled "Standard Practice for Environmental Site Assessment": Phase 1 Environmental Site Assessment Process.

(2) For property acquired after December 1, 2000, compliance with American Society for Testing and Materials Standard E1 527-00.

(b) Except as provided in subdivision (c), on and after the date when the standards and practices established by the Administrator of the United States Environmental

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Protection Agency pursuant to Section 101(35)(B)(ii) of the federal act (42 U.S.C. Sec. 9601(35)(B)(ii)) are adopted and take effect, "all appropriate inquiries" means compliance with those standards, except that any portion of the inquiry that includes the practice of engineering or the practice of geology shall be carried out in conformance with applicable state statute.

(c) If the property is used solely for residential use and has four or fewer units at the time of acquisition by a nongovernmental or noncommercial entity, "all appropriate inquiries" means that a site inspection and title search does not reveal a basis for further investigation.

"Appropriate Care"

"Appropriate care" means either of the following:

(a) The performance of a response action, with respect to hazardous materials found at a site, for which the agency makes the determination specified in paragraph (1) of subdivision (c) of Section 25395.96 and that meets all of the following conditions:

(1) The response action is determined by an agency to be necessary to prevent an unreasonable risk to human health and safety or the environment, as defined in Section 25395.90. (2) The response action is performed in accordance with a response plan approved by the agency pursuant to Article 6 (commencing with Section 25295.90). (3) The approved response plan includes a provision for oversight and approval of the completed response action by the agency pursuant to Article 6 (commencing with Section 25295.90).

(b) A determination that no further action is required pursuant to Section 25395.95.

"RCRA"

"RCRA" means the federal Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. sections 6901 et seq., as administered by the Department of Toxic Substances Control under Chapter 6.5, Division 20 of the HSC (commencing with section 25100).

"Site"

Real property located in an urban infill area for which the expansion, redevelopment, or reuse may be complicated by the presence or perceived presence of hazardous materials. "Site" does not include any of the following:

(1) A facility that is listed or proposed for listing on the National Priorities List established under Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. Sec. 9605).

(2) A site on the list maintained by the department pursuant to Section 25356.

(3) A site that is solely impacted by a petroleum release from an underground storage tank eligible for reimbursement from the California Underground Storage Tank Cleanup Fund.

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“National Priority List (NPL)”

The NPL is the list of the United States Environmental Protection Agency’s highest priority sites among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States and its territories. The NPL is compiled by US EPA pursuant to CERCLA section 105. The NPL is intended primarily to guide the United States Environmental Protection Agency in determining which sites warrant further investigation. (Source: United States Environmental Protection Agency Web page and 40 CFR section 300.5)

“Infill Area”

A vacant or underutilized lot of land within an urban area that has been previously developed or that is surrounded by parcels that are or have been previously developed.

“Urban Area”

Means either of the following:

- (A) An incorporated city.
- (B) An unincorporated area that is completely surrounded by one or more incorporated cities that meets both of the following criteria:
 - (i) The population of the unincorporated area and the population of the surrounding incorporated cities is equal to a population of 100,000 or more.
 - (ii) The population density of the unincorporated area is equal to, or greater than, the population density of the surrounding cities.

“Underground Storage Tank Fund”

Federal and state laws require every owner and operator of a petroleum underground storage tank (UST) to maintain financial responsibility to pay for any damages arising from their tank operations.

The Barry Keene Underground Storage Tank Cleanup Fund Act of 1989 was created by the California Legislature under Health & Safety Code section 25299.50, and is administered by the California State Water Resources Control Board, to provide a means for petroleum UST owners and operators to meet federal and state requirements. The Fund also assists a large number of small businesses and individuals by providing reimbursement for unexpected and catastrophic expenses associated with the cleanup of leaking petroleum USTs.

In addition, the Fund provides money to the Regional Water Quality Control Boards and local regulatory agencies to abate emergency situations or to cleanup abandoned sites that pose a threat to human health, safety, and the environment, as a result of a petroleum release from a UST. (Source: State Water Resources Control Boards’ Web page and the Health and Safety Code.)